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February 28, 2019

*Via email: ADMcomment@courts.mi.gov*

Larry S. Royster  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

Dear Clerk Royster:

**Re: ADM File No. 2018-19: Proposed Amendment of Discovery Rules**

At its February 9, 2019, meeting, the Board of Directors of the Michigan Defense Trial Counsel (MDTC) reviewed and considered the above-referenced rule amendments that were published for comment by the Michigan Supreme Court on November 28, 2018. The Board discussed the proposed rule amendments, as well as the Civil Discovery Court Rule Review Report issued by the State Bar of Michigan's Civil Discovery Court Rule Special Committee on April 21, 2018.

Upon consideration of this information, the Board members present voted unanimously to support the proposed rule amendments.

The Board welcomes and strongly supports many aspects of the proposed rules, including, among other things, the addition of proportionality considerations to the scope of discovery under Rule 2.302(B) and the clarification of the procedures for issuing, objecting to, and enforcing non-party subpoenas under Rule 2.305. These proposed rule amendments, in particular, will provide courts with additional discretion to limit or streamline the discovery process as needed while also providing practitioners with much needed guidance in areas where it was lacking previously.

The Board's support, while unanimous, is not entirely free from concern regarding the potential consequences of sweeping rule amendments that would, for example, impose a strict upper limit on the number of interrogatories permitted and compel the exchange of initial disclosures that could require commercial litigants to disclose personal information relating to employees or stakeholders who may have only limited involvement in or knowledge of the matters involved in the underlying action.

**MDTC**

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On balance, however, the proposed rule amendments represent a positive step toward achieving the benefits of comprehensive discovery changes in Michigan. The Board recognizes those overall benefits and supports the proposed rule amendments as presented.

Thank you for considering the MDTC Board's input on the proposed amendments.

Sincerely,

MICHIGAN DEFENSE TRIAL COUNSEL

A handwritten signature in black ink, appearing to read "Joshua K. Richardson". The signature is fluid and cursive, with a large initial "J" and "R".

Joshua K. Richardson  
President

**MDTC**

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